

**DURHAM, NORTH CAROLINA
MONDAY, NOVEMBER 20, 2000
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time he announced that Gregory A. Bethea was appointed Interim City Manager at the Special City Council Meeting.

Council Member Langley recognized the Bull City Lions for their efforts in establishing a football team for youth and gave certificates to the following board members: Douglas Hoggs, Jackerra Page, Rosina Page, Donna Hoggs, and Marion Miller.

Also, she acknowledged DeWarren Langley with Teenagers Politically Active who presented the Mayor, City Council and City Manager with a Certificate of Appreciation for continued efforts to improve the lives of teens in the community.

Council Member Jacobs briefed Council on the Solar Communities Kick-Off last Saturday.

Mayor Pro Tempore Clement made comments about the Town Hall Meeting held November 18, 2000 at Fayetteville Street Elementary School.

Council Member Blyth gave an overview of her attendance at the International Association of Chiefs of Police Conference in San Diego, November 11-15, 2000.

Mayor Tennyson asked for priority items. City Manager Ewell made comments relative to GBA Item #9 [NC 54/I-40 CORRIDOR STUDY LAND USE PLAN] noting that he received a request from the Chair of the Zoning Commission asking that this study be referred to the Commission for further review for a 90-day period.

City Attorney Blinder requested a closed session after the regular meeting of Council regarding a matter of pending litigation [James Kennedy, Ed Oliver vs. Board of Adjustment].

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to go into closed session after the regular City Council meeting regarding a matter of pending litigation [James Kennedy Ed Oliver vs. Board of Adjustment] was approved at 7:19 p.m. by the

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following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

There were no priority items from the City Clerk.

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

Council Member McKissick pulled Consent Item #1 [AMENDMENT TO DOWNTOWN LOAN POOL BOUNDARIES].

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE HOUSING AUTHORITY OF THE CITY OF DURHAM - LAKESIDE GARDENS APARTMENTS (\$6,880,000) - GRANDVIEW FOREST APARTMENTS (\$5,483,907)

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Authorizing the Mayor to Approve the Issuance of not to Exceed \$6,880,000 Housing Authority of the City of Durham Multifamily Housing Revenue Bonds (Lakeside Gardens Apartments), Series 2000"; and

To adopt a "Resolution Authorizing the Mayor to Approve the Issuance of not to Exceed \$5,483,907 Housing Authority of the City of Durham Multifamily Housing Revenue Bonds (Grandview Forest Apartments), Series 2000" was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Resolution #8713

Resolution #8714

SUBJECT: SEWER BACK-UP POLICY

MOTION by Council Member Larson seconded by Council Member Jacobs to rescind the existing sewer back-up resolution and to adopt a "Resolution Authorizing the City Manager to Make Payments for Certain Costs Arising from the Operation of the Municipal Sewer

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System"; and

To direct the Administration to study the eventual phasing out of this policy [resolution] with special provisions to be considered for senior citizens and hardship cases and to report back through the Finance Committee in approximately three months was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Resolution #8715

SUBJECT: ATTENDANCE REPORTS FROM VARIOUS BOARDS, COMMITTEES AND COMMISSIONS

MOTION by Council Member Larson seconded by Council Member Jacobs to receive Attendance Reports from the following boards, committees and commissions was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Cable TV Advisory Board
Durham Area Transit Authority
Durham Civic Center Authority
Durham Convention & Visitors Bureau Advisory Board
Durham Convention & Visitors Bureau Board of Directors
Human Relations Commission
Minority/Women Business Enterprise Advisory Committee
Passenger Vehicle for Hire Commission
Raleigh-Durham Airport Authority
Workforce Development Board

SUBJECT: ADVERTISING FOR VACANCIES ON VARIOUS BOARDS, COMMITTEES AND COMMISSIONS

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the report from the City Clerk regarding advertising costs; and

To authorize the City Clerk to advertise vacancies for various boards, committees and commissions beginning as soon as possible in the "Information Corner" of The Herald-Sun and News & Observer [up to twice monthly] to be funded from the General Fund Contingency Account for the remainder of fiscal year 2000-2001 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[Resolution and Budget Ordinance amendment to follow at a

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subsequent City Council Meeting]

**SUBJECT: LIVE FIRE TRAINING EXERCISE - 805, 807, 809, 811, AND
813 GRANT STREET**

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the City of Durham Fire Department's request to burn the structures located at 805, 807, 809, 811, and 813 Grant Street for a live fire training exercise was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SITE PLAN/PRELIMINARY PLAT APPROVAL - THE PARK AT AUBURN

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan/preliminary plat for "The Park at Auburn," submitted by Jerry Turner & Associates, Inc. on behalf of Homes by Huff & Co., consisting of 82 townhomes on a ±10.3 acre site zoned PDR 5.37 and F/J-B, and located on the east side of Barbee Road at the Windcrest Road intersection, north of I-40 (Tax Map #548-1-23 (partial); PIN #0728-02-67-3879) was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: INTERLOCAL AGREEMENT BETWEEN THE CITY OF DURHAM AND
DURHAM COUNTY CREATING A DURHAM CITY-COUNTY APPEARANCE
COMMISSION**

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Interlocal Agreement between the City of Durham and Durham County Creating a Durham City-County Appearance Commission [Draft dated October 26, 2000] was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONSULTANT SERVICES CONTRACT FOR THE AMERICAN TOBACCO
TRAIL, PHASES C & D - COULTER JEWELL THAMES, PA**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with Coulter Jewell Thames, PA, in the amount of \$130,000, with a contingency of \$25,000, for consultant services for Phases C & D of the American Tobacco Trail; and

To authorize the City Manager to make changes to the contract

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before executing it if the changes do not increase the compensation to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: DATA SERVICES STATUS REPORT

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the report concerning DATA services was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: TELECOMMUNICATIONS INTERIM LICENSE AGREEMENT WITH METROMEDIA FIBER NETWORK SERVICES, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Telecommunications Interim License Agreement with Metromedia Fiber Network Services, Inc. to install a conduit and fiber optics cable in several City of Durham rights of way; and

To authorize the City Manager to make revisions to such agreement, provided that such revisions do not substantially decrease the requirements imposed upon Metromedia Fiber Network Services, Inc. was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Supplemental Agenda Item #1 [Delegation Of Authority To The City Manager To Execute Telecommunications Interim License Agreements] has been added in connection with this item.

SUBJECT: TELECOMMUNICATIONS INTERIM LICENSE AGREEMENT WITH CTC EXCHANGE SERVICES, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Telecommunications Interim License Agreement with CTC Exchange Services, Inc. to install fiber optics and copper cable in several City of Durham rights of way; and

To authorize the City Manager to make revisions to such agreement, provided that such revisions do not substantially decrease the requirements imposed upon CTC Exchange Services, Inc. was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek,

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Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Supplemental Agenda Item #1 [Delegation Of Authority To The City Manager To Execute Telecommunications Interim License Agreements] has been added in connection with this item.

SUBJECT: ATTENDANCE REPORTS FROM VARIOUS BOARDS, COMMITTEES AND COMMISSIONS

MOTION by Council Member Larson seconded by Council Member Jacobs to receive Attendance Reports from the following boards, committees and commissions was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Citizens Advisory Committee
Durham Board of Adjustment
Durham Historic Preservation Commission
Durham Housing Authority
Durham Open Space & Trails Commission
Durham Planning Commission
Housing Appeals Board
Environmental Affairs Board
Recreation Advisory Committee

SUBJECT: CLOSING THE ACHIEVEMENT GAP - APPOINTMENT OF CITY COUNCIL LIAISON MEMBER TO THE CLOSING THE ACHIEVEMENT GAP CITY-COUNTY TASK FORCE

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint Mayor Pro Tempore Howard Clement, III as City Council's Liaison Member to serve on the Closing the Achievement Gap City-County Task Force was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: BIDS - TEN GENERATOR SETS - GREGORY POOLE EQUIPMENT COMPANY - PIEDMONT POWER PRODUCTS, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to accept the bid from Gregory Poole Equipment Company in the amount of \$127,100.00 for providing the City with nine diesel powered generators; and

To authorize the City Manager to enter into a contract with Gregory Poole Equipment Company in the amount of \$127,100.00 for providing the City with nine diesel powered generators; and

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To accept the bid from Piedmont Power Products, Inc. in the amount of \$15,433.31 for providing the City with one propane powered generator; and

To authorize the City Manager to enter into a contract with Piedmont Power Products, Inc. in the amount of \$15,433.31 for providing the City with one propane powered generator; and

To authorize the City Manager to modify the contracts before execution provided that the modifications do not increase the dollar amount of the contracts and are consistent with the general intent of the existing version of the contracts was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: BIDS - TREE PRUNING, REMOVAL AND EMERGENCY SERVICES -
ASPLUNDH TREE EXPERT COMPANY**

MOTION by Council Member Larson seconded by Council Member Jacobs to accept the bid from Asplundh Tree Expert Company in the amount of \$52,300.00 for providing the City with tree pruning, removal and emergency services; and

To authorize the City Manager to enter into a contract with Asplundh Tree Expert Company in the amount of \$52,300.00 for providing the City with tree pruning, removal and emergency services; and

To authorize the City Manager to modify the contract before execution provided that the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: BIDS - EDISON JOHNSON RECREATION CENTER RE-ROOFING
PROJECT - GUARANTEED SYSTEMS, INC.**

MOTION by Council Member Larson seconded by Council Member Jacobs to accept the bid from Guaranteed Systems, Inc. in the amount of \$177,225.00 for the Edison Johnson Recreation Center re-roofing project; and

To authorize the City Manager to enter into a contract with Guaranteed Systems, Inc. in the amount of \$177,225.00, plus a \$10,000.00 contingency, for the Edison Johnson Recreation Center re-roofing project; and

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To authorize the City Manager to modify the contract before execution provided that the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: CONTRACT EXTENSION - ESTIMATED ANNUAL REQUIREMENTS FOR REFUSE AND YARD WASTE COLLECTION CARTS - PLASTIC OMNIUM ZARN, INCORPORATED

MOTION by Council Member Larson seconded by Council Member Jacobs to extend the existing contract with Plastic Omnium ZARN, Incorporated an additional year, in the amount of \$321,484.80, for providing the City with its estimated annual requirements for refuse and yard waste collection carts; and

To authorize the City Manager to extend the existing contract with Plastic Omnium ZARN, Incorporated an additional year, in the amount of \$321,484.80, for providing the City with its estimated annual requirements for refuse and yard waste collection carts; and

To authorize the City Manager to modify the contract before execution provided that the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: PARKING - PERRY STREET AND IREDELL STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt the following ordinances was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

a. An ordinance to repeal the following ordinances:

- 1) Ordinance #2959, adopted October 20, 1969, amending Ordinance #2932 by establishing parking on the south side of Perry Street in the area beginning at a point 60 feet east of the east curb line of Iredell Street, if extended, and extending from that point eastwardly for a distance of 40 feet; and
- 2) Ordinance #6918, adopted May 5, 1986, establishing a loading and unloading zone on the west side of Iredell Street between

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the hours of 7:00 a.m. and 6:00 p.m., except Sundays and holidays, in the area beginning at a point 31 feet north of the north ditch line of the alley north of Perry Street and running 82 feet northwardly. **Ordinance #12115**

b. An Ordinance to prohibit parking at the following locations:

- 1) on the south side of Perry Street in the area beginning at the east curb line of Iredell Street, if extended, and extending for a distance of 35 feet eastwardly; and
- 2) on the south side of Perry Street in the area beginning at a point 113 feet east of the east curb line of Iredell Street, if extended, and extending to the west curb line of Broad Street. **Ordinance #12116**

c. An ordinance establishing a loading and unloading zone on the south side of Perry Street in the area beginning at a point 35 feet east of the east curb line of Iredell Street, if extended, and extending for a distance of 34 feet eastwardly; and **Ordinance #12117**

d. An ordinance establishing two-hour parking at the following locations:

- 1) on the south side of Perry Street between the hours of 7:00 a.m. and 6:00 p.m., except Sundays and holidays, in the area beginning at a point 69 feet east of the curb line of Iredell Street, if extended, and extending for a distance of 44 feet;
- 2) on the west side of Iredell Street between the hours of 7:00 a.m. and 6:00 p.m., except Sundays and holidays, in the area beginning at a point 25 feet north of the north ditch line of the alley north of Perry Street, if extended, and extending 82 feet northwardly. **Ordinance #12118**

SUBJECT: HANDICAP PARKING - ROSEWOOD STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to establish handicap parking on the east side of Rosewood Street in the area beginning at a point 100 feet north of the north curb line of Dayton Street, if extended, and extending for a distance of 27 feet northwardly was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #12119

SUBJECT: STOP SIGNS - GROVE PARK LINKSIDE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs

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to adopt an ordinance to authorize the installation of stop signs at the following locations was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) Crosswood Drive at Oak Grove Parkway, southeast corner;
- 2) Gateview Court at Crosswood Drive, northwest corner;
- 3) Burmuda Green Drive at Lanier Valley Drive, southeast corner;
- 4) Epping Court at Bermuda Green Drive, northeast corner;
- 5) Lanier Valley Drive at Oak Grove Parkway, northwest corner;
- 6) Kimbrough Court at Lanier Valley Drive, southeast corner; and
- 7) Burmuda Green Drive at Oak Grove Parkway, northwest corner.

Ordinance #12120

SUBJECT: STOP SIGNS - MARBREY LANDING SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an Ordinance to authorize the installation of stop signs at the following locations was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) Marbrey Drive at Thistlerock Lane, northwest corner;
- 2) Sugar Grove Court at Marbrey Drive, northeast corner; and
- 3) Whistler Woods Court at Marbrey Drive, Southwest corner.

Ordinance #12121

SUBJECT: YIELD SIGNS - MILLSPRING DRIVE

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of yield signs at the following locations was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- a. Millspring Drive at Millspring Drive, north corner, and
- b. Millspring Drive at Millspring Drive, east corner.

Ordinance #12122

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the official minutes of the following City Council

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Meetings was approved at 7:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

September 18, 2000 - Regular Meeting
October 2, 2000 - Regular Meeting
October 16, 2000 - Regular Meeting
October 26, 2000 - Special Meeting
November 2, 2000 - Special Meeting

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: WATER MAIN - RANDOLPH ROAD FROM PICKETT ROAD TO HAVEN DRIVE; HAVEN DRIVE FROM RANDOLPH ROAD TO CAMBRIDGE ROAD; AND CAMBRIDGE ROAD FROM HAVEN DRIVE TO PICKETT ROAD - MINI ASSESSMENT ROLL - C. E. AND MARGARET H. KIRKLAND - PROPERTY OF MIRIAM G. MARSHALL

a. Property of C. E. and Margaret H. Kirkland

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of C. E. and Margaret H. Kirkland, identified as Tax Map #458-8-13, 3727 Randolph Road, Lot 11, has benefited from the water main improvement and to confirm the assessment in the amount of \$2,131.36 (in accordance with City policy) was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

b. Property of Miriam G. Marshall

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Miriam G. Marshall, identified as Tax Map #458-8-14, 3901 Haven Drive, Lot 1, has benefited from the water main improvement and to confirm the assessment in the amount of \$1,642.96 (in accordance with City policy) was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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SUBJECT: SEWER MAIN - RANDOLPH ROAD FROM PICKETT ROAD TO HAVEN DRIVE; HAVEN DRIVE FROM RANDOLPH ROAD TO CAMBRIDGE ROAD; AND CAMBRIDGE ROAD FROM HAVEN DRIVE TO PICKETT ROAD - MINI ASSESSMENT ROLL - PROPERTY OF C. E. AND MARGARET H. KIRKLAND - PROPERTY OF MIRIAM G. MARSHALL

a. Property of C. E. and Margaret H. Kirkland

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of C. E. and Margaret H. Kirkland, identified as Tax Map #458-8-13, 3727 Randolph Road, Lot 11, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$3,390.80 (in accordance with City policy) was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

b. Property of Miriam G. Marshall

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Miriam G. Marshall, identified as Tax Map #458-8-14, 3901 Haven Drive, Lot 1, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$2,613.80 (in accordance with City policy) was approved at 7:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SEWER MAIN - ONELUSKA DRIVE FROM SHOCOREE DRIVE TO END OF 60 FOOT RIGHT OF WAY - ENABLING ACT AUTHORITY

To adopt a resolution ordering sewer main on Oneluska Drive from Shocoree Drive to end of 60 foot right of way under the Enabling Act Authority.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to continue the public hearing until the December 18, 2000 City Council Meeting and to refer improvement to the December 11, 2000 Public Works Committee without further advertising was

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approved at 7:22 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER MAIN - NEW BERN PLACE FROM WOODBERRY ROAD TO END OF CUL-DE-SAC

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering water main on New Bern Place from Woodberry Road to end of cul-de-sac was approved at 7:22 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SEWER MAIN - STEPHENS LANE FROM NORTH PROPERTY LINE OF TAX MAP #830-1-25 TO NORTH PROPERTY LINE OF TAX MAP #830-2-13 -ENABLING ACT AUTHORITY

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sewer main on Stephens Lane from north property line of Tax Map #830-1-25 to north property line of Tax Map #830-2-13 under the Enabling Act Authority was approved at 7:22 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO JULY 1, 2000 - ANGIER AVENUE DEVELOPMENT (2001-04)

a. Annexation

Ruffin Hall, of the Budget Office, updated Council on the certificate of title, environmental sensitive areas, cost benefit analysis, site plan and water and sewer extension agreement.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Todd McDowell, of Stage Road, noted that he brought his house to

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live in the County.

Mayor Tennyson declared the public hearing closed.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to receive citizens' comments concerning annexation of Angier Avenue Development, 8.53 acres non-contiguous to the City limits, located on the south side of Angier Avenue west of Miami Boulevard; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Angier Avenue Development)" was approved at 7:26 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Member Wagstaff. Absent: None.

Ordinance #12114

b. Supplemental Fire Protection Services

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to authorize the City Manager to execute an amendment to modify the existing half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection to the Angier Avenue Development over a five-year period with the same terms and conditions as services are provided to other areas in such contracts was approved at 7:26 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Member Wagstaff. Absent: None.

SUBJECT: STREET CLOSING - SC00-4, OLD CORNWALLIS ROAD

To adopt the "City of Durham Order Permanently Closing 1,520± Linear Feet (2.14± Acres) of Old Cornwallis Road."

Mayor Tennyson noted he received a fax requesting a deferral of this matter.

Norman Standerfer, City/County Planning Director, requested Council to open the public hearing and continue it without further advertising.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

MOTION by Council Member Larson seconded by Council Member Stith to continue the public hearing without further advertising until the December 4, 2000 City Council Meeting was approved at 7:29 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro

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Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: ZONING CASE: P00-44 - GAR, INC. - 1.57 ACRES ON THE NORTH SIDE OF NC 54 WEST OF 751 (TAX MAP #428-03-06)

Case: P00-44

Applicant: GAR, Inc.

Location: 1.57 acres on the north side of NC 54 west of 751 (Tax Map #428-03-06)

Request: Rezoning from R-20 (Residential 20 District) to OI-2(D) (General Office and Institution District with a Development Plan)

Zoning Committee's Recommendation and Vote: Approval (6-1)

Planning Department's Recommendation: Approval

Mayor Tennyson noted that the public hearing was continued from the November 6, 2000 City Council Meeting.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Kim Griffin, Jr. spoke in support of the rezoning request.

No one spoke in opposition to the request.

Mayor Tennyson declared the public hearing closed.

Council Member Blyth asked staff if the rezoning violated the Southwest Durham and 2020 Plans.

Norman Standerfer, City/County Planning Director, noted since the adoption of the updated 54/40 Study, it is consistent with the Plans.

Mayor Tennyson made comments why he opposed the rezoning the last time it came before Council and spoke in support of the rezoning due to the Garrett Road Extension possibility for the intersection of NC 54 and NC 751.

MOTION by Council Member McKissick seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as OI-2(D) was approved at 7:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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SUBJECT: NC 54/I-40 CORRIDOR STUDY LAND USE PLAN

To receive citizens' comments regarding the NC 54/I-40 Corridor Study Land Use Plan.

To adopt the NC 54/I-40 Corridor Study Land Use Plan.

Mayor Tennyson made comments about the request for deferral by the Zoning Commission.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Conrad Newman, of 5412 George King Road, expressed concern about the mixed-use development being considered for the area [left-hand corner of map] and noted the need for additional language to address the issue.

Due to the 90-day extension request, Mayor Tennyson requested advertisement of a new public hearing.

Mayor Tennyson declared the public hearing closed.

Council Member McKissick requested the comments of Mr. Newman be considered during the reconsideration of the plan.

Council Member Blyth requested that written comments be referred to the Zoning Committee.

MOTION by Council Member Larson seconded by Council Member McKissick to receive citizens' comments regarding the NC 54/I-40 Corridor Study Land Use Plan; and

To refer this item to the Zoning Commission, along with citizens' comments, for a period not to exceed 90 days was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[OTHER MATTERS]

SUBJECT: REPORT ON THEFT OF GAS BY "DRIVE-OFF"

To receive a report concerning theft of gas by "drive-off."

At the November 16, 2000 Committee-of-the-Whole Meeting, the City Council deferred this item until the December 4, 2000 City Council Meeting--discussion at the November 30, 2000 Committee-of-the-Whole Meeting.

SUBJECT: REPORT ON JUVENILE CURFEW

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Jessica Brown, representing TPA, spoke in opposition to the curfew noting a need for youth involvement.

Mayor Tennyson noted that Police Chief Chambers and Youth Coordinating Board could be used as a means of circulating information to our youth.

Council Member Langley recognized all the members from TPA.

MOTION by Council Member Larson seconded by Council Member Stith to receive a report concerning juvenile curfew was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: REPORT ON ROADSIDE SOLICITATION AND PANHANDLING

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive a report concerning roadside solicitation and panhandling was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: PROPOSAL FOR FINANCIAL REVIEW GROUP - 2001-2002 BUDGET CYCLE

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the "Proposal for Financial Review Group" and to schedule meetings on January 3 and January 17, 2001, 6:00 p.m. - 8:00 p.m. (location to be announced) was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Council Member Burnette. Absent: None.

SUBJECT: VOLUNTARY PROPERTY PURCHASE POLICY

To receive a report from the Administration concerning the Voluntary Property Purchase Policy.

At the November 16, 2000 Committee-of-the-Whole Meeting, the City Council deferred this item until the December 4, 2000 City Council Meeting--discussion at the November 30, 2000 Committee-of-the-Whole Meeting.

SUBJECT: 2001 LEGISLATIVE PROGRAM OUTLINE - REPORT AND RECOMMENDATION FROM THE LEGISLATIVE COMMITTEE

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Council Member McKissick made comments about the revised list of legislative items discussed at Committee-of-the-Whole. [See November 17, 2000 cover memo from the City Attorney]

Council Member Stith requested that Charter Amendment/Local Bill Item #6 [food and beverage tax] be subject to a referendum.

City Attorney Blinder made comments about the County's proposal of a one-cent sales tax (other than on food). He asked Council if they wanted to leave their proposal of a one-half cent sales tax as outlined in the cover memo [Item #2] or be consistent with the County's proposal.

Council Member McKissick spoke in support of up to a one-cent sales tax.

Mayor Tennyson spoke in support of a statement from Council supporting the County's proposal to get a sales tax authority. Also, Mayor Tennyson made comments about changing Item #2 as an expression of support for the County's sales tax and deleting the gasoline tax.

Council Member McKissick noted that he would like to express to the delegation that Council would want to pursue the gas tax regionally.

City Attorney Blinder asked Council about expressing its support for additional revenue enhancement measures for transportation.

Mayor Tennyson noted that this would not be included in the legislative program outline and would be a separate item.

Also, Mayor Tennyson requested the following item be on the agenda for the January 16, 2001 City Council Meeting: To select items from the NCLM's agenda in which Council intends to make a statement of support.

Council Member Blyth asked that Charter Amendment/Local Bill Item #11 be shown as a placeholder from her and the City Manager.

Council held discussion on vehicle registration, sales tax, gasoline tax, the County's program and enhancement revenues.

MOTION by Council Member McKissick seconded by Mayor Pro Tempore Clement to receive a report and recommendation of the Legislative Committee; and

To approve the 2001 Legislative Program Outline; and

To approve the following recommendations of the Legislative Committee as amended was approved at 7:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None.

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Absent: None.

2001 LEGISLATIVE PROGRAM OUTLINE

I. CHARTER AMENDMENTS/LOCAL BILLS

1. Require the Division of Motor Vehicles to withhold issuance of motor vehicle license registration renewals from the owners of vehicles with unpaid parking tickets –from Mr. McKissick and referral from 2000 legislative program.
2. Authorize the City to require owners of buildings and structures located within designated historic districts to maintain and preserve the condition of the property –from Mr. McKissick and referral from 2000 legislative program.
3. Allow the City the authority to use cameras at intersections to catch drivers who fail to stop at red lights – from Mr. McKissick and Department of Transportation.
4. Authorize the City to adopt an adequate public facilities ordinance – from Mr. McKissick.
5. Allow City Council to identify additional criteria, such as sexual orientation, upon which to prohibit discrimination - from Human Relations Commission.
6. Authorize the City (and County) to levy a prepared food and beverage tax, subject to voter approval at a referendum – from City Manager.
7. Authorize the City to defray costs of administration of the facilities (impact) fees program by using, for this purpose, up to five percent of facilities (impact) fees collected by the City – from City Manager.
8. Authorize the City to increase the amount of tax on motor vehicles from five dollars to twenty dollars, with these revenues to be used for local transportation needs – from 1999 legislative program.
9. Repeal obsolete provisions of City Charter – from City Attorney's office.
10. Make a technical correction to Charter Section 122 (5)(b), to allow persons under 45 years of age to reside in senior citizen and retirement community housing for not more rather than not less than 60 days – from Human Relations Commission and City Attorney's office.
- (11. Authorize the City to require retail sellers of gasoline to collect, from customers, the charges for the sale of gasoline prior to the gasoline being pumped – placeholder item from Ms. Blyth and City Manager).

II. GENERAL LAW

1. Allow municipalities to authorize relief of interest charged on unbilled property taxes following annexation – referral from 2000 legislative program.
2. Authorize municipalities to exempt, from disclosure under the public records law, Internet searches of computerized records using the name of law enforcement personnel or the name of other categories of employees and citizens –referral from 2000 legislative

program.

3. Lessen the negative impact of alcohol sales in local communities by changing the ABC laws to allow local governments and the ABC Commission additional authority to regulate establishments that sell or serve alcoholic beverages - from Legislative Committee.
 4. Expand Ethnic Intimidation Act to add “sexual orientation”, “gender identity” and “disability” to the classes protected by that statute, change the name of the statute to the “Hate Crimes Act”, and make violation of that Act a Class I felony - from Human Relations Commission.
 5. Make the North Carolina “Crime Against Nature” law inapplicable to consenting adults (both heterosexual and homosexual) – from Human Relations Commission.
 6. Clarify the authority of municipalities to require the owners of nonresidential property to maintain the exterior of buildings in good condition and to make the cost of such repairs, if not made by the owner, a lien on the property – from Mr. McKissick.
 7. To enhance code enforcement efforts by municipalities, require owners of residential rental property to register the rental property and provide the owner’s name, address and telephone number to the County Tax Assessor, – from Mr. Clement.
 8. Amend Article 5 of Chapter 42 of the General Statutes to clarify that tenants are protected against any rent increases or being otherwise charged with the cost of repairs made during the tenancy to meet the landlord’s obligation under G.S. 42-42 to provide fit premises – from Mr. Clement.
- (9. Note: awaiting action of JCCPC to discuss the feasibility of a joint City-County effort to obtain enabling general law authority similar to authority obtained by Dare County in the 2000 legislative session to establish one or more utility districts to raise and expend funds to place underground all electric and telephone utility lines in the district(s)— JCCPC to make a recommendation to Governing Boards by December 2000 – placeholder item from Ms. Blyth and Council.)

III. OTHER

1. Resolution in support of the item in the legislative program of the North Carolina League of Municipalities, to make the current single-prime/separate prime bidding authority that is currently available to local school administrative units available to municipalities – from Mayor.
2. Resolution in support of the item in the legislative program of Durham County for a one-cent local option sales tax for the County and City, subject to voter approval at a referendum – from Council.
3. Resolution for a Moratorium on the Death Penalty – from Mr. Clement and then referral from 2000 legislative program.
4. Resolution in support of the proposal of Durham Businesses Against Crime to endorse legislation to make it a felony for any adult to be convicted of “repeated” (five or more) serious misdemeanors.
5. Resolution in support of amending state law to provide individuals with a history of

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substance abuse an alternative to a mandatory sentence of incarceration, with the alternative consisting of mandatory confined treatment in an approved institutional facility – from Ms. Edwards.

[SUPPLEMENTAL AGENDA ITEM]

SUBJECT: DELEGATION OF AUTHORITY TO THE CITY MANAGER TO EXECUTE TELECOMMUNICATIONS INTERIM LICENSE AGREEMENTS - METROMEDIA FIBER NETWORK SERVICES, INC. AND CTC EXCHANGE SERVICES, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to delegate the City Manager authority to execute future Telecommunications Interim License Agreements using a standard form agreement in substantially the same form as attached in this agenda for Metromedia Fiber Network Services, Inc. and CTC Exchange Services, Inc. was approved at 7:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: AMENDMENT TO DOWNTOWN LOAN POOL BOUNDARIES

Council Member McKissick asked staff about the boundaries at the intersection of Mangum and Geer Street being shown as contiguous.

Greg Payne, of Economic Development, noted it could be eligible along with other areas nearby based on the zoning.

Council Member McKissick requested an update in two cycles.

MOTION by Council Member McKissick seconded by Council Member Stith to amend the "Downtown Loan Pool Area" boundaries (as approved by City Council on September 18, 1995 and amended August 2, 1999) to include the areas shown on the map was approved at 7:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

There being no further business to come before the City Council, the meeting adjourned into closed session at 7:57 p.m.

D. Ann Gray, CMC
City Clerk

Linda E. Bratcher
Deputy City Clerk